



MIKE PENCE, *Governor*
JAMAL L. SMITH, *Executive Director*

ICRC No.: EMha13051142

[REDACTED],
Complainant,

v.

UNITED ROLL FORMING,
Respondent.

NOTICE OF FINDING

The Deputy Director of the Indiana Civil Rights Commission ("Commission"), pursuant to statutory authority and procedural regulations, hereby issues the following findings with respect to the above-referenced case. Probable cause exists to believe that an unlawful discriminatory practice occurred in this instance. 910 IAC 1-3-2(b).

On May 3, 2013, [REDACTED] ("Complainant") filed a Complaint with the Commission against United Roll Forming ("Respondent") alleging discrimination on the basis of disability in violation of the Indiana Civil Rights Law (Ind. Code § 22-9, *et seq.*) [REDACTED]

[REDACTED] Accordingly, the Commission has jurisdiction over the parties and the subject matter of this Complaint.

An investigation has been completed. Both parties have been given the opportunity to submit evidence. Based upon a full review of the relevant files and records and the final investigative report, the Deputy Director now finds the following:

The issue presented to the Commission is whether Complainant was terminated because of his disability. In order to prevail, Complainant must show that: (1) he is a member of a protected class; (2) he suffered an adverse employment action; (3) he was meeting Respondent's legitimate business expectations; and (4) similarly-situated non-disabled employees were treated more favorably under similar circumstances.

It is evident that Complainant has a disability as the term is defined under the applicable laws as he has an impairment that substantially limits one or more major life activities. Moreover, it is clear he suffered an adverse employment action when Respondent terminated his employment on or about April 18, 2013. There is also sufficient evidence that Complainant was meeting Respondent's legitimate business expectations but was treated less favorably than employees without impairment.



By way of background, Respondent was hired as a General Laborer in March 2013. On or about April 18, 2013, Complainant experienced a medical episode related to his disability; however, immediately following the episode, Respondent terminated Complainant for safety reasons. Available evidence demonstrates that Respondent failed to discuss reasonable accommodations with Complainant or make any attempt to continue Complainant's employment. While Respondent alleges Complainant's termination was for safety reasons, Respondent failed to produce any evidence showing that Complainant violated safety rules, damaged equipment, endangered others, or otherwise failed to meet legitimate business expectations. Respondent's failure to engage in the interactive process with Complainant supports the contention that Respondent's rationale for the termination is unworthy of credence and is pretext for unlawful discrimination on the basis of disability. A nexus exists between Complainant's disability and his termination; as such, and based upon the aforementioned, probable cause exists to believe that an unlawful practice occurred in this instance.

A public hearing is necessary to determine whether a violation of the Indiana Civil Rights Law occurred as alleged herein. Ind. Code § 22-9-1-18, 910 IAC 1-3-5. The parties may agree to have these claims heard in the circuit or superior court in the county in which the alleged discriminatory act occurred. However, both parties must agree to such an election and notify the Commission within twenty (20) days of receipt of this Notice, or the Commission's Administrative Law Judge will hear this matter. Ind. Code § 22-9-1-16, 910 IAC 1-3-6.

April 15, 2014
Date

Akia A. Haynes
Akia A. Haynes, Esq.
Deputy Director
Indiana Civil Rights Commission